IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 15TH MARCH, 2007 / 24TH PHALGUNA, 1928

WP(C).No. 16774 of 2006(V)

PETITIONER:

SAJEEV JOSEPH, S/O. JOSEPH,
AGED 28 YEARS, AMBAZHATHINKAL HOUSE, THALAMATTOM,
THODUPUZHA P.O., IDUKKI DISTRICT.

BY ADV. SRI.C.M.TOMY
SRI.MATHEW SKARIA

RESPONDENTS:

---

1. THE SPECIAL SALES OFFICER,
THODUPUZHA PRIMARY CO-OPERATIVE AGRL. &
RURAL DEVELOPMENT BANK LTD.NO.4388, THODUPUZHA.

2. THE THODUPUZHA PRIMARY CO-OPERATIVE
AGRL. & RURAL DEVELOPMENT BANK LTD.NO.4388,
THODUPUZHA, REPRESENTED BY ITS SECRETARY.

3. SKARIA,
MAPLASSERIYIL, THALAMATTOM, THODUPUZHA.

R2 BY ADV. SRI.P.V.BABY
R1 BY GOVT.PLEADER SRI.P.K.RAVIKRISHNAN
R3 BY ADV.SRI.V.G.ARUN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.16774 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the notice dtd.1.1.2005 issued by R2 to the petitioner.

Ext.P2: Copy of the notice dtd.22.4.2005 issued by R1 to the petitioner.

Ext.P3: Copy of the sale proclamation dtd.13.5.2005 issued by R1.

Ext.P4: Copy of the application dtd.16.8.2005 submitted by the petitioner before R1.

Ext.P5: Copy of the representation dtd.15.3.2006 submitted by the petitioner before R2.

Ext.P6: Copy of the judgment dtd.22.3.2006 in WP(C) 24813/2005.

Ext.P7: Copy of the decision taken by the Board of Directors of R2-Bank dtd.19.5.2006.

RESPONDENTS'S EXHIBITS:

Ext.R3(a): Copy of the receipt dtd.20.6.2005.

Ext.R3(b): Copy of the receipt dtd.20.7.2005.

Ext.R3(c): Copy of Notice dtd. 29.4.2006.

Ext.R3(d): Copy of written note dtd.9.5.2006.

-True Copy-

P.A.to Judge.

J.M.JAMES, J.

W.P.(C). 16774/2006

Dated this the 19th day of January, 2007

O R D E R

Under Ext.P6 judgment, in W.P.(C). 24813/2005, this Court had directed the parties to settle the matter among themselves, as the third respondent is the auction purchaser of the property of the writ petitioner, in public auction, conducted by the first respondent, the Special Sales Officer, as the property was pledged with the second respondent, for the amount due to it. However, it is now seen that the settlement could not be effective, as the third respondent was not co-operative, submits the learned counsel for the second respondent.

2. The counsel for the writ petitioner had made Ext.P4 representation dated 16.8.2005 stating that he could not remit the amount in time to the second respondent. However, he is prepared to pay back the entire amount and, therefore, requested not to confirm

the sale. The same is pending with the respondents 1 and 2.

3. I had clarified from the counsel for the writ petitioner that he is prepared to pay back the entire amount due to the second respondent as well as return the amount due, if any, to the third respondent, as he was the auction purchaser. Though the sale could not be set aside, the same is not so far confirmed.

4. The second respondent shall fix the amount due to it as well as any amount if due to the third respondent, after hearing the writ petitioner. This shall be done within two weeks from today. Thereafter, the writ petitioner shall remit that amount to the second respondent.

5. Further orders in this writ petition shall be passed, after these directions are complied with.

Post on 7.2.2007.

J.M.JAMES
JUDGE

mrcs